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In re Application of
Grech et al.
Application No.: 10/540,006
PCT No.: PCT/US03/38021
Int. Filing Date: 26 November 2003
Priority Date: 30 November 2002
Attorney Docket No.: 4623C-083/NPB
For: Reduced Water Consumption Flush Toilet

DECISION

This is in response to the renewed petition under 37 CFR 1.182 filed on 31 May 2007.

DISCUSSION

In a Decision mailed on 02 April 2007, the petition under 37 CFR 1.182 filed on 14 March 2007 was dismissed, without prejudice, because

...petitioner urges acceptance of the declaration filed on 14 November 2006 because "Michael Harris is the same person as HARRIS, Mike that was less formally nominated in the published international application." Though this statement clearly communicates petitioner's reasoning for requesting acceptance of the declaration, petitioner has not provided an appropriate formal showing that the Michael Harris nominated in the declaration is the same person as the HARRIS, Mike nominated in the published international application. Appropriate evidence in this regard would ideally include a statement signed by Mr. Harris attesting to the facts involved. It is noted that counsel has not stated that his assertion as to Mr. Harris' name and identity is made on the basis of first-hand knowledge.

In response, petitioner now presents a "Signed Statement of Mr. Harris" in which Mr. Harris states in part that

I was nominated in the Declaration for the above-captioned matter as Michael Harris.

I was nominated less formally in the published International Application as HARRIS, Mike.

I state that Michael Harris nominated in the Declaration for the above-captioned matter and Harris, Mike nominated in the International Application for the above-captioned matter are one and the same person.


Upon consideration of the totality of the evidence currently of record, including Mr. Harris' statements, it would now be appropriate to accept the declaration filed on 14 November 2006 for purposes of compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

The declaration filed on 14 November 2006 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **14 November 2006** (the date the declaration of the inventors was filed).



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